C 9 C

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: January 19, 2005 Name: Jeffery M. Duncan Signature:

BRINKS HOFER GILSON &LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Ralph Weisheit, et al.

Patent No.: 6,713,275 B1

Issue Date: March 30, 2004

Appln. No.: 09/806,983 Examiner: Ralph Gitomer

Filed: April 6, 2001 Art Unit: 1651

For: METHOD FOR DETERMINING ALKALINE PHOSPHATASE

Attorney Docket No: 9793-90

Certificate FEB 03 2005 of Correction

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

☒ Request for Certificate of Correction (in duplicate) including copy of Amendment of 4/28/03 and copy of Preliminary Amendment of 10/9/01; Certificate of Correction Form PTO 1050 (in duplicate)

☒ Return Receipt Postcard

Fee calculation:

☐ No additional fee is required.

☐ Small Entity.

☐ An extension fee in an amount of $_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).

☐ A petition or processing fee in an amount of $_____ under 37 C.F.R. § 1.17(_____).

☐ An additional filing fee has been calculated as shown below:

						Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra		Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus				x $25=			x $50=	
Indep.		Minus				x 100=			x $200=	
First Presentation of Multiple Dep. Claim						+$180=			+ $360=	
						Total	$		Total	$

Fee payment:

☒ A check in the amount of $100.00 is enclosed.

☐ Please charge Deposit Account No. 23-1925 in the amount of $. A copy of this Transmittal is enclosed for this purpose.

☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

19 Jan. 05
Date

Jeffery M. Duncan (Reg. No. 31,609)

4 FEB 2005

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

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						Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra		Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus				x $25=			x $50=	
Indep.		Minus				x 100=			x $200=	
First Presentation of Multiple Dep. Claim						+$180=			+ $360=	
						Total	$		Total	$

Fee payment:

☒ A check in the amount of $100.00 is enclosed.

☐ Please charge Deposit Account No. 23-1925 in the amount of $. A copy of this Transmittal is enclosed for this purpose.

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Respectfully submitted,

19 Jan. 05
Date

[signature]
Jeffery M. Duncan (Reg. No. 31,609)

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19 Jan. 05
(Date of Deposit)

Jeffery M. Duncan, Reg. No. 31,609
Name of applicant, assignee, or
Registered Representative

Signature

19 Jan. 05
Date of Signature

Our File No. 9793-90

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
Ralph Weisheit et al.	
Patent No.: 6,713,275 B1	Art Unit: 1651
Issue Date: March 30, 2004	Examiner: Ralph Gitomer
Serial No.: 09/806,983	
Filing Date: April 6, 2001	
For: METHOD FOR DETERMINING ALKALINE PHOSPHATASE	

REQUEST FOR CERTIFICATE OF CORRECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Certificate of Corrections Branch

Sir:

Please issue a Certificate of Correction for the above-identified patent to correct the errors listed on the accompanying PTO Form 1050. This request is being made pursuant to 35 U.S.C. § 254 and 35 U.S.C. § 255, since the errors comprise minor or typographical errors by the applicants or the PTO.

01/26/2005 HDEMESS1 00000004 6713275
01 FC:1811 100.00 OP

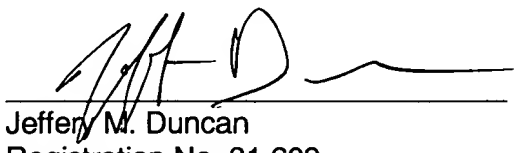
Applicants note that claim 12, as it appears on the issued patent is incorrect. Applicants amended claim 12 (previous claim 19) in an amendment dated April 28, 2003. The changes in this amendment are not reflected on the issued patent. A copy of the amendment filed on April 28, 2003 is enclosed herewith.

Also, previous claim 22 was not included in the issued patent. Claim 22 should be included following claim 15, as claim 16. Current claim 16 should have been renumbered as claim 17. A copy of the preliminary amendment filed on October 9, 2001 is enclosed.

Applicants request that the amendments to claim 12, the inclusion of claim 16 (previously claim 22) and the renumbering of the now claim 16 be indicated by the issuance of a Certificate of Correction to correct these errors.

Enclosed herewith is a check for $100.00 to cover the cost of applicants' errors. The Commissioner is hereby authorized to charge any additional fees required to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



Jeffery M. Duncan
Registration No. 31,609
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610
(312) 321-4200

Our File No. 9793-90

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
Ralph Weisheit et al.	
Patent No.: 6,713,275 B1	Art Unit: 1651
Issue Date: March 30, 2004	Examiner: Ralph Gitomer
Serial No.: 09/806,983	
Filing Date: April 6, 2001	
For: METHOD FOR DETERMINING ALKALINE PHOSPHATASE	

REQUEST FOR CERTIFICATE OF CORRECTION

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P.O. Box 1450
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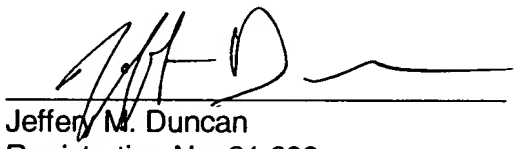
Applicants request that the amendments to claim 12, the inclusion of claim 16 (previously claim 22) and the renumbering of the now claim 16 be indicated by the issuance of a Certificate of Correction to correct these errors.

Enclosed herewith is a check for $100.00 to cover the cost of applicants' errors. The Commissioner is hereby authorized to charge any additional fees required to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



Jeffery M. Duncan
Registration No. 31,609
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610
(312) 321-4200

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Commissioner for Patents
Washington, D.C. 20231
on April 28, 2003

Date of Deposit

Jeffery M. Duncan, Reg. No. 31,609

Name of applicant, assignee or
Registered Representative

Signature

April 28, 2003

Date of Signature

Our Case No. 9793-90

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
Ralph Weisheit, et al.	
Serial No. 09/806,983	Examiner: L.T. GUO
Filing Date: April 6, 2001	Group Art Unit No. 1651
For METHOD FOR DETERMINING ALKALINE PHOSPHATASE	

REPLY AND AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Please amend the above-referenced application as follows.

In the Specification:

Pursuant to 37 C.F.R. §1.121(b)(1), please add new section heading paragraphs as follows:

After the title and before the first full paragraph on page 1, which starts "The present invention concerns a method...," please insert the heading paragraph --Background--.

On page 5, following the paragraph that begins "The object was therefore to develop..." and before the paragraph that begins "The object is achieved...," please insert the heading paragraph --Summary of the Invention--.

On page 5, following the paragraph that begins "It surprisingly turned out..." and before the paragraph that begins "Due to the absorption spectrum...," please insert the heading paragraph --Detailed Description --.

Please amend the first full paragraph of Example b) on page 10 as indicated in Appendix A, wherein newly added text is underlined. A clean version of this paragraph follows:

> Determination according to the recommendation to the Société Francaise de Biologie Clinique according to Ann. Biol. Clin. Vol. 35, 271 (1977).

These amendments to the specification merely provide various headings that describe portions of the original specification and correct a typographical error in the application as filed. Thus, the amendments do not introduce any new matter.

In The Claims:

Please amend claims 8, 16, 19, 20, 22, and 23 as indicated in Appendix B, wherein newly added text is underlined, and text to be deleted is surrounded by brackets. Clean versions of these claims follow:

8. (Amended) A method of eliminating interference by hemoglobin in the determination of alkaline phosphatase in a sample, comprising:

determining a first optical measurement of said sample at 450 ± 10 nm;

adding 4-nitrophenyl phosphate to said sample;

determining a second optical measurement of said sample at 450 ± 10 nm;

and

correcting the second optical measurement with the first optical measurement.

16. (amended) The method of claim 8, wherein the step of determining a first optical measurement is conducted over a period of time of between about 1 and 4 minutes.

19. (new) A method of determining a level of alkaline phosphatase in a sample, the method comprising:

determining a first optical measurement of said sample at 450 ± 10 nm that represents a correlation between the amount of hemoglobin in the sample and the interference due to the hemoglobin; and

adding 4-nitrophenyl phosphate to said sample;

determining a second optical measurement of said sample at 450 ± 10 nm;

correcting the second optical measurement with the first optical measurement.

20. (Amended) The method of claim 19, wherein the first optical measurement is determined in a pre-reaction.

22. (Amended) The method of claim 19, wherein said sample comprises human hemoglobin or a blood substitute.

23. (Amended) A method of determining a level of alkaline phosphatase in a sample, comprising:

measuring a first change in absorbance of said sample at 450 ± 10 nm;

adding 4-nitrophenyl phosphate to said sample;

measuring a second change in absorbance of said sample at 450 ± 10 nm;

and

correcting the first change in absorbance with the second change in absorbance.

REMARKS

Applicants submit this Reply and Amendment in response the Examiner's Office Action mailed on October 28, 2002, setting a shortened statutory period for response of three months. A petition to extend that period by three months is submitted herewith. In the subject Office Action, the Examiner provisionally rejected claims 8-24 under the judicially created doctrine of obviousness-type double patenting over the claims of copending application number 09/807,079. The Examiner also objected to the specification for informalities, and rejected claims 8-24 under 35 U.S.C. §102(a). Lastly, the Examiner rejected claims 8-15 and 17-24 under 35 U.S.C. §102(b).

1. Rejection of claims under the judicially created doctrine of obviousness-type double patenting

The Examiner provisionally rejected claims 8-24 over the claims of copending application 09/807,079 (the '079 application) for obviousness-type double patenting.

Specifically, the Examiner indicated that claims 8-24 of the present application are not patentably distinct from claims 12-29 of the '079 application. Applicants respectfully traverse this provisional rejection, and assert that the claims of the present and '079 applications define patentably distinct inventions.

These two applications are similar to the extent that both are directed to methods of eliminating interference by hemoglobin in the determination of alkaline phosphatase. The methods of these two applications, however, represent distinctly different approaches to solving the problem of hemoglobin interference.

Methods according to the '079 application use an optical measurement taken at 450 ±10 nm in combination with an optical measurement taken at a secondary wavelength. All claims of the '079 application require two optical measurements taken at different wavelengths. Further, all claims of the '079 application require combining the two measurements, and do not require any correlation with a degree of hemoglobin in the sample, as required by all claims of the present application. The claims of the current application require taking an optical measurement at 450 ± 10 nm and correcting the measurement with a correlation between the degree of hemoglobin of a sample with a level of interference due to the presence of hemoglobin.

Furthermore, considering the claims of the '079 application, it would not have been obvious to one of ordinary skill in the art to arrive at the invention defined by the claims of the present application. As discussed above, the '079 application does not utilize the presently claimed method, but rather uses measurements at multiple wavelengths. With the claims of the '079 application in hand, a skilled artisan would not be motivated to produce the invention claimed in the present application because, as indicated in the '079 application, the method of the '079 application produces a complete elimination of interference. Practicing this method, the skilled artisan would have no technological motivation to use other means for eliminating such interference.

Accordingly, Applicants respectfully traverse the Examiner's provisional rejection of claims 8-24 of the present application under the judicially created doctrine of obviousness-type double patenting and request withdrawal of this provisional rejection.

2. Objections to the specification for informalities

The Examiner objected to the specification because the various sections were not labeled or separated by headings, claims 22 and 23 were misnumbered, and the first sentence of Example b) lacked a period. Applicants herein amend the current specification by inserting various heading paragraphs and adding a period to the first sentence of Example b). Also, applicants gratefully acknowledge the Examiner's correction of the typographical error in the numbering of the claims and do not object to the correction entered by the Examiner. Applicants believe that the amendments made herein overcome all of the Examiner's objections to the specification.

3. Rejection of claims under 35 U.S.C. §102(a)

The Examiner rejected claims 8-24 under 35 U.S.C. §102(a) as being anticipated by US patent 6,013,467 to Siedel et al. for Blood Substitute Suppression by Peroxides (the '467 patent). The Examiner indicated that the rejection was based on the '467 patent, but also detailed the relationship between the '467 patent and WO 98/02570 (the Siedel PCT). While the Applicants are willing to use the text of the '467 patent to discuss the rejection to the extent it is identical to the Siedel PCT, they respectfully assert that the rejection cannot be based on the '467 patent because the '467 patent is not prior art to the present application. The Applicants discuss this rejection below as if it had been entered as a rejection based on the Siedel PCT and use the '467 patent simply as an English language version of this reference. Applicants take this approach to facilitate prosecution, and do not thereby make any admission or acknowledgement that the '467 patent constitutes prior art to the claims of the present application.

To properly support a rejection under 35 U.S.C. §102, a reference must disclose each and every limitation of the rejected claim. The independent claims of the present application define a rate-blank method, i.e., measuring an optical change at 450 nm before and after the main reaction started by adding 4-nitrophenyl phosphate to the sample. Also, the second optical measurement, i.e., the measurement determined after the main reaction, is corrected by the first optical measurement, i.e., the measurement determined

before the main reaction. The first optical measurement correlates with the level of interference due to hemoglobin.

The '467 patent does not disclose such a step or correlation factor. The methods of the '467 patent rely solely on peroxide reagents to bleach out any interfering color due to the presence of hemoglobin, and do not utilize any type of rate-blank method. Indeed, a thorough review of the '467 patent reveals a complete lack of any disclosure of absorbance change measurements that represent a correlation between the hemoglobin in a sample and the level of interference due to hemoglobin. As a result, the '467 patent cannot properly serve as a basis for rejection under 35 U.S.C. §102.

Accordingly, the Examiner's §102 rejection of claims 8-24 based on the Siedel PCT is improper and should be withdrawn.

4. Rejection of claims under 35 U.S.C. §102(b)

The Examiner rejected claims 8-15 and 17-24 under 35 U.S.C. §102(b) as being anticipated by US 6,207,459 to Weisheit et al. for a Method for the Analysis of Medical Samples Containing Haemoglobin (the '459 patent). The Examiner indicated that the rejection was based on the '459 patent, but also detailed the relationship between the '459 patent and WO 97/45732 (the Weisheit PCT). As with the Siedel et al. reference, Applicants are willing to use the text of the '459 patent to discuss the rejection to the extent it is identical to the Weisheit PCT. Nevertheless, the rejection cannot be properly based on the '459 patent because the '459 patent is not prior art to the present application. The Applicants discuss this rejection below as if it had been entered as a rejection based on the Weisheit PCT and use the '459 patent simply as an English language version of this reference. Applicants take this approach to facilitate prosecution, and do not thereby make any admission or acknowledgement that the '459 patent constitutes prior art to the claims of the present application.

As noted, above, the independent claims of the present application require a rate-blank method, which involves measuring the change in absorbance at 450 nm before and after the main reaction, which is initiated by adding 4-nitrophenyl phosphate to the sample. Also, the method requires correcting the optical measurement determined after the main

reaction with the optical measurement determined before the main reaction. The optical measurement determined before the main reaction correlates with the level of interference due to hemoglobin.

The '459 patent is devoid of any disclosure of a primary measurement wavelength of 450 nm. Rather, it discloses a method to correct an analyte value measured in a sample containing hemoglobin. This method is complex, requiring five steps as well as an additional experimental determination of the test specific correction factor. Furthermore, a thorough review of the '459 patent reveals a complete lack of any disclosure of rate-blank methods, such as the use of absorbance change measurements that represent a correlation between the degree of hemoglobin of a sample and the level of interference due to hemoglobin. Thus, the '459 patent cannot properly serve as a basis for rejection under §102.

CONCLUSION

In light of the above, Applicants have overcome each and every one of the Examiner's objections and rejections. The application is therefore in condition for allowance on the next office action. If, however, the Examiner feels that personal communication would facilitate the prosecution of this case, applicants request that the Examiner contact their attorney at the number listed below.

Respectfully submitted,

Dated: April 28, 2003

Jeffery M. Duncan
Registration No. 31,609
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4281

Appendix A

Determination according to the recommendation to the Société Francaise de Biologie Clinique according to Ann. Biol. Clin. Vol. 35, 271 (1977).

Appendix B

8. (Amended) A method of eliminating interference by hemoglobin in the determination of alkaline phosphatase in a sample, comprising:

[determining a degree of hemolysis of said sample];

determining [an] a first optical measurement of said sample at 450 ± 10 nm

adding 4-nitrophenyl phosphate to said sample;

determining [an] a second optical measurement of said sample at 450 ± 10 nm;

[determining a correction factor by correlating the degree of hemolysis of said sample with a level of interference due to said hemoglobin;] and

correcting the second optical measurement [by combining] with the [correction factor with the] first optical measurement.

16. (amended) The method of claim 8, wherein the step of determining [an] a first optical measurement is conducted over a period of time of between about 1 and 4 minutes.

19. (new) A method of determining a level of alkaline phosphatase in a sample [containing 4-nitrophenyl phosphate], the method comprising:

determining [an] a first optical measurement of said sample at 450 ± 10 nm that represents a correlation between the amount of hemoglobin in the sample and the interference due to the hemoglobin; and

adding 4-nitrophenyl phosphate to said sample;

determining a second optical measurement of said sample at 450 ± 10 nm;

correcting the second optical measurement [by] with [combining] the first optical measurement [with a correction factor that represents a correlation between a degree of hemolysis of said sample and a level of interference due to hemoglobin present in said sample].

20. (Amended) The method of claim 19, wherein the [correction factor] first optical measurement is determined in a pre-reaction.

22. (Amended) The method of claim 19, wherein said sample comprises human hemoglobin or a blood substitute.

23. (Amended) A method of determining a level of alkaline phosphatase in a sample, comprising:

[determining a degree of hemolysis of said sample;]

measuring a first change in absorbance of said sample at 450 ± 10 nm;

adding 4-nitrophenyl phosphate to said sample;

measuring a second change in absorbance of said sample at 450 ± 10 nm;

[determining a correction factor by correlating the degree of hemolysis of said sample with a level of interference due to hemoglobin which may be present in said sample]; and

correcting the first change in absorbance [by combining] with the second change in absorbance [with the correction factor].

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

on October 9, 2001 Kandi L. Hampshire
Date of Deposit Signature

Our Case No. 9793-090

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Weisheit, et al.

Serial No. 09/806,983

Filing Date: April 6, 2001

For METHOD FOR DETERMINING ALKALINE PHOSPHATASE

Examiner: Unknown

Group Art Unit No. 1623

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D. C. 20231

Honorable Sir:

Please amend the above-referenced patent application as follows:

In the Specification:

Please replace the paragraph on page 3 that begins "Jay and Provasek (supra) describe..." with the marked-up paragraph presented in Appendix A, attached hereto. A clean version of the amended paragraph follows:

Jay and Provasek (supra) describe a further method for eliminating interference by the so-called rate-blank measurement. The correction of haemolysis interference by rate-blank measurements is also described in EP-A-0 695 805, which is hereby incorporated by reference in its entirety. In this method the sample is subjected to a pre-reaction to determine the degree of haemolysis of the sample before the actual photometric determination of a component contained in the sample. The measured value obtained subsequently is then corrected by a value which has been determined by correlating the degree of haemolysis with the amount by which the interfering components contribute to the measuring error.

In the Claims:

Please cancel claims 1-7.

Please add new claims 8-23 as follows:

8. (new) A method of eliminating interference by hemoglobin in the determination of alkaline phosphatase in a sample, comprising:

determining a degree of hemolysis of said sample;

adding 4-nitrophenyl phosphate to said sample;

determining an optical measurement of said sample at 450 ± 10 nm;

determining a correction factor by correlating the degree of hemolysis of said sample with a level of interference due to said hemoglobin; and

correcting the optical measurement by combining the correction factor with the optical measurement.

9. (new) The method of claim 8, wherein the optical measurement comprises an absorbance determination.

10. (new) The method of claim 8, wherein said sample comprises a plasma or serum sample.

11. (new) The method of claim 8, wherein said sample comprises a blood substitute.

12. (new) The method of claim 11, wherein the blood substitute comprises derivatized hemoglobin, polymerized hemoglobin, modified hemoglobin, or cross-linked hemoglobin.

13. (new) The method of claim 11, wherein the blood substitute comprises human hemoglobin or bovine hemoglobin.

14. (new) The method of claim 11, wherein the blood substitute comprises a recombinantly-produced hemoglobin.

15. (new) The method of claim 11, wherein the blood substitute comprises diaspirin-crosslinked hemoglobin.

16. (new) The method of claim 8, wherein the determining an optical measurement is conducted over a period of time of between about 1 and 4 minutes.

17. (new) The method of claim 8, wherein said sample has a hemoglobin concentration of up to about 3000 mg/dl.

18. (new) The method of claim 8, wherein said sample has a hemoglobin concentration of up to about 6500 mg/dl.

19. (new) A method of determining a level of alkaline phosphatase in a sample containing 4-nitrophenyl phosphate, the method comprising:

determining an optical measurement of said sample at 450 ± 10 nm; and

correcting the optical measurement by combining the optical measurement with a correction factor that represents a correlation between a degree of hemolysis of said sample and a level of interference due to hemoglobin present in said sample.

20. (new) The method of claim 19, wherein the correction factor is determined in a pre-reaction.

21. (new) The method of claim 19, wherein said sample comprises a plasma or serum sample.

22. (new) The method of claim 19, wherein said sample comprises a blood substitute.

22. (new) The method of claim 19, wherein the hemoglobin comprises natural, synthetic, or recombinantly-produced hemoglobin.

23. (new) A method of determining a level of alkaline phosphatase in a sample, comprising:

determining a degree of hemolysis of said sample;

adding 4-nitrophenyl phosphate to said sample;

measuring a change in absorbance of said sample at 450 ± 10 nm;

determining a correction factor by correlating the degree of hemolysis of said sample with a level of interference due to hemoglobin which may be present in said sample; and

correcting the change in absorbance by combining the change in absorbance with the correction factor.

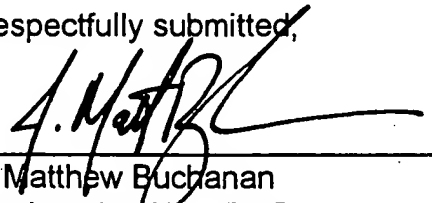
REMARKS

This Preliminary Amendment has been filed prior to receipt of an action on the merits. Applicants have herein amended the specification of the pending patent application to incorporate a patent noted in the disclosure as originally filed. This incorporation by reference has been added solely for convenience as Applicants regard the information contained in the subject patent as known in the art.

Applicants have also herein amended the pending claims in the subject application by canceling claims 1-7 and adding new claims 8-23. The newly added claims are fully supported by the specification of the pending application and do not narrow the scope of protection sought.

Examination of this patent application is requested.

Respectfully submitted,



J. Matthew Buchanan
Registration No. 47,459

BRINKS HOFER GILSON & LIONE
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(734) 302-6000

APPENDIX A

Jay and Provasek (supra) describe a further method for eliminating interference by the so-called rate-blank measurement. The correction of haemolysis interference by rate-blank measurements is also described in EP-A-0 695 805, which is hereby incorporated by reference in its entirety. In this method the sample is subjected to a pre-reaction to determine the degree of haemolysis of the sample before the actual photometric determination of a component contained in the sample. The measured value obtained subsequently is then corrected by a value which has been determined by correlating the degree of haemolysis with the amount by which the interfering components contribute to the measuring error.

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 6,713,275 B1
DATED : March 30, 2004
INVENTOR(S) : Ralph Weisheit et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Title Page

In column 2, line 7, under "OTHER PUBLICATIONS", delete "Phosphates" and substitute --Phosphatase-- in its place.

In column 2, lines 5, 6, and 9 under "**ABSTRACT**", delete "haemoglobin" and substitute --hemoglobin-- in its place (all occurrences).

In the Claims

In claim 7, line 2, delete "recombinantly produced" and substitute --recombinantly-produced-- in its place.

MAILING ADDRESS OF SENDER:
Jeffery M. Duncan
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In the Claims (cont'd)

In claim 12, delete lines 1 to 10, and substitute the following in its place.

--A method of determining a level of alkaline phosphatase in a sample, the method comprising:

determining a first optical measurement of said sample at 450 $\pm$ 10 nm that represents a correlation between the amount of hemoglobin in the sample and the interference due to the hemoglobin; and

adding 4-nitrophenyl phosphate to said sample;

determining a second optical measurement of said sample at 450 $\pm$ 10 nm;

correcting the second optical measurement with the first optical measurement.--

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In the Claims (cont'd)

After claim 15, insert the following.

--16. The method of claim 12, wherein the hemoglobin comprises natural, synthetic, or recombinantly-produced hemoglobin.--

Renumber claim 16 as claim 17.

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